

HOUSE BILL 2440
By Odom

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 1, Part 1; Section 70-2-101(e); Section 70-2-205(e)(1); Section 70-2-215(d); Section 70-2-221(e); Section 70-4-102(c); Section 70-4-108(c); Section 70-4-201(d); Section 70-6-101(b)(2) and Section 70-6-202(b), relative to fish and wildlife violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-2-101, is amended by deleting Subsection (e) in its entirety and by substituting instead the following language:

(e) Any violation of this section is a Class C misdemeanor; except that, any violation of a court's revocation or suspension order is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 70-2-205(e)(1), is amended, first, by deleting from the first sentence the language "punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000), and if on second offense, and in the discretion of the court, the deprivation or prohibition of the offender from obtaining a license for a period of six (6) months", and second, by adding the following sentence between the first and second sentences:

In addition to the penalties provided for such a violation, the court may revoke the license and/or suspend the privilege for a period of time of not less than one (1) year.

SECTION 3. Tennessee Code Annotated, Section 70-2-215(d), is amended, first, by deleting the language “and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00)” and, second, by adding the following new sentence at the end of the subsection:

In addition to the penalties provided for such a violation, the court may revoke the license and/or suspend the privilege for a period of time of not less than one (1) year.

SECTION 4. Tennessee Code Annotated, Section 70-2-221, is amended by deleting the language contained in subsection (e) and by substituting instead the following new language:

(e) A violation of this section is a Class C misdemeanor. In addition to the penalties provided for such a violation, the court may revoke the license and/or suspend the privilege for a period of time of not less than one (1) year.

SECTION 5. Tennessee Code Annotated, Section 70-4-102, is amended by deleting the language contained in subsection (c) and by substituting instead the following new language:

(c) A violation of this section is a Class A misdemeanor.

SECTION 6. Tennessee Code Annotated, Section 70-4-108(c), is amended by deleting the words and letter “Class C misdemeanor” and by substituting instead the words and letter “Class A misdemeanor”.

SECTION 7. Tennessee Code Annotated, Section 70-4-201, is amended by adding the following phrase to the end of the last sentence in subsection (d):

; except that, the aggregate of illegal sales or purchases or any combination thereof of any wildlife totaling five hundred dollars (\$500) or more during any one (1) year period constitutes a separate offense punishable as theft pursuant to Section 39-14-105.

Provided that, for the purpose of this provision and notwithstanding any other provision of the law to the contrary, value is defined as the aggregate of the purchase prices of the wildlife during the one (1) year period.

SECTION 8. Tennessee Code Annotated, Section 70-6-101(b)(2), is amended by deleting the language and punctuation “, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00)”.

SECTION 9. Tennessee Code Annotated, Section 70-6-202(b), is amended by adding the following sentence at the end of the subsection:

Provided, however, notwithstanding any other provision of the law to the contrary, any truck, automobile, boat, airplane or other vehicle seized and forfeited under the provisions of subsection 70-6-202(a) may, with the approval of the executive director, be used in connection with fish and wildlife programs for a period not to exceed one (1) year.

SECTION 10. Tennessee Code Annotated, Title 70, Chapter 1, Part 1, is amended by adding a new appropriately designated section to read as follows:

Section 70-1-105. Notwithstanding any other provision of the law to the contrary, all prosecutions for violations of Sections 70-4-111, 70-4-119 and 70-4-201 shall be commenced within three (3) years.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

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